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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,326		Karin Loffler	D078 1110	7007

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EXAMINER
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GUARRIELLO, JOHN J

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 02/19/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/719 326

Applicant(s)

Löffler et al.

Examiner

John Guarriello

Group Art Unit

1771

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-23, 25, 26 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-23, 25, 26 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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### DETAILED ACTION

15. The Examiner acknowledges the preliminary amendment of 12/8/2000, IDS of 4/27/2001, and the letter of 5/24/2001.

#### *Claim Rejections - 35 USC § 112*

16. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

17. Claims 8, 18, 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 4, it is not clear what the term "derivatives" refers or encompasses, since in the first instance reference is indicated to "polycarboxylic acid" or "dicarboxylic acid". Does the term encompass all polycarboxylic acids or does the term encompass only all dicarboxylic acids? In the second instance, "derivatives" of the two stated classes of acids, poly

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and di-, and all their combinations is not clearly supported in the specification as filed.

In claim 18, it is not clear what the "II" refers in claim 1, since "II" does not appear in claim 1. This is a lack of clear antecedent basis.

In claim 22, line 1 and line 9, it is not clear to what claim 22 refers. This is an improper multiple dependent claim for failing to refer to the other claims in the alternative only.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-23, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over W0/96 15203 in view of JP-07-11755.

W0'203 describes a multi-layer planar structure (like a flexible multilayer flat material) with a support layer (I)(like reinforcement material) and a coating on the reinforcement material , cover layer(II) on the support layer (cover layer), (see abstract, whole document). W0'203 describes the coating as epoxidized products of unsaturated fatty acid esters which are partial esters of polycarboxylic acids and polyols, (see abstract, whole document ). W0'203 describes renewable raw materials (which can be cellulose). W0'203 describes the claimed invention in the Figure illustrated on the cover sheet of W0'203 inside the abstract. W0'203 differs from the claimed invention because it describes textile, page 1 third paragraph, instead of non-woven and it is silent about embedding or impregnation and the basis weight.

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JP'755 describes floor materials (like a floor covering) with a surface layer made of synthetic resin in which fiber pile was implanted (like the nonwoven material, textile, which is embedded or impregnated),[002] (page 1 of machine translation).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the surface layer with the textile (nonwoven) impregnated or embedded in the synthetic resin of JP'755 for the surface layer which can be coated motivated with the expectation that the multilayer planar structure (like a flexible multilayer material) would exhibit improved properties of resilience with lower cost, [0016]. Regarding the basis weight this would be routine optimization since it would be obvious to one of ordinary skill in the textile to appropriately select the range of basis weight to achieve properties of flexibility.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone

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number is (703) 308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



John J. Guarriello:gj

Patent Examiner

February 6, 2002

February 8, 2002



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
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